



Senator Feinstein Seeks Major Improvements to the Visa Waiver Program
- *Moratorium may be necessary, if the program's failures can't be remedied quickly* -
May 13, 2004

Washington, DC – In light of a new report by the Department of Homeland Security's Office of the Inspector General (OIG), Senator Dianne Feinstein (D-Calif.) today called for substantial changes to the Visa Waiver Program, which has allowed 93 million nonimmigrant admissions from 27 countries into the United States over the past five years alone.

“The Office of Inspector General report found serious and pervasive problems with how the Visa Waiver Program is administered, which pose a grave risk the security of this country,” Senator Feinstein said. **“The Senate Judiciary Committee should convene oversight hearings as soon as possible to determine if these problems can be remedied rapidly, and, if they can't, whether a moratorium on the program should be put in place.”**

“Furthermore, lost and stolen passports from Visa Waiver Program countries provide easy access documents to any terrorist that wants to enter this country,” Senator Feinstein said. **“More fundamentally, as the Office of Inspector General points out, the Visa Waiver Program does not have the safeguards in place by which passports can be readily identified as fraudulent or stolen. This is the greatest security problem with the Visa Waiver Program, and poses a major security risk to our country.**

The Visa Waiver Program, when combined with thousands of missing or stolen travel documents from Visa Waiver countries, gives terrorists an easy means to gain illegal entry to our country. Suspected terrorists Zacarias Moussaoui, Richard Reid, Ramzi Yousef, and Ahmed Ajaj, for instance, all boarded flights to the United States with passports issued by countries participating in the Visa Waiver Program.

Additionally, more than 200 Visa Waiver Program nationals (157 using the Visa Waiver Program) were denied entry to the United States following confirmed matches between these individuals through a terrorists-screening database.

This problem is compounded by countries that have liberal naturalization laws. Belgium, Sweden, and Denmark, for instance, allow a third country national to obtain citizenship and a Visa Waiver Program passport in as little as three years residence. Similarly, in other countries (Ireland, Italy), citizenship is available to almost anyone with one grandparent or other relative who is a citizen.

“Post-9/11, security issues must trump other concerns,” Senator Feinstein said. **“It is clear to me that the Visa Waiver Program is ripe for abuse. We must address these issues and ensure that terrorists cannot exploit these holes in our security.”**

The Office of Inspector General report, issued May 11, 2004, found that significant problems in a number of areas including:

- **Leadership** – Since the Immigration and Naturalization Service was disbanded, there has been no clear responsibility within the Department of Homeland Security for the Visa Waiver Program. This has resulted in inadequate management and unclear lines of communication. (see recommendation 1)
- **Conducting Reviews of Visa Waiver Program Countries** – The Office of the Inspector General was unable to confirm whether the Department of Homeland Security had completed required reports indicating the number of visitors who overstay their visit. Additionally, the Office of the Inspector General found that required “country reviews” were not conducted, nor was a plan put in place to conduct them in the future. This means that it is impossible to accurately evaluate the risks to U.S. security posed by the Visa Waiver Program. (see recommendations 2-5)
- **Lost and Stolen Passports** – Over the past 15 years, tens of thousands of passports from Visa Waiver Program countries have been lost or stolen. There is little information, however, about how many of these passports have been fraudulently used, how many are still in circulation, how many have been entered into U.S. lookout databases or who may have used them.

Furthermore, collection of data on lost or stolen passports are complicated by a lack of international standardization in passport numbering systems. Additionally, inspectors who uncover fraudulent passports are required to give them back to the traveler. (see recommendations 6 - 11).

Terrorists can physically alter a passport, purchase an official passport in their own name (or alias), or make a counterfeit passport. Unless there are adequate safeguards in place, these terrorists will be able to gain access to the United States.

- **Bypassing US-VISIT** – Currently Visa Waiver Program travelers are exempt from the US-VISIT system. This creates an incentive for criminals, including terrorists and others seeking to come to our country illegally, to use the Visa Waiver Program as their means of entering the country.

The Administration has stated that effective October 1, 2004, those individuals from Visa Waiver Program countries also will have to enter and exit through US-VISIT. Until everyone seeking to enter and exit the United States is processed under US-VISIT, there will continue to be major holes in our security. (see recommendation 12)

- **Biometric Passport Deadline** – Most of the 27 Visa Waiver Program countries will not meet the deadline of October 26, 2004 to comply with the requirement that they issue machine readable, tamper resistant passports with biometric identifiers. (see recommendation 13)
- **Inadequate Training** – Inspectors do not receive adequate training or have adequate language skills to question travelers. (see recommendation 14)

The OIG report made 14 separate recommendations on how to address these problems including:

1. Designating a Visa Waiver Program Manager with clearly defined responsibilities and

- authorities;
2. Develop a plan to conduct mandated reports from Visa Waiver Program countries;
 3. Develop protocols and a plan to conduct biennial country reviews;
 4. Provide funding to support the conduct of the country reviews;
 5. Develop a process for review for the probationary designation of Belgium, so that a decision can be rendered prior to May 15, 2004.
 6. Develop a process to comprehensively check all lost and stolen passport data provided by Visa Waiver Program governments against entry and exit data in U.S. systems;
 7. Develop procedures to collect and analyze data concerning the fraudulent use of Visa Waiver Program passports;
 8. Include in the country review protocols provisions to review document manufacturing and issuing security practices;
 9. Coordinate with the Department of State to establish a standard operating procedure for the systematic and proactive collection of Lost and Stolen Passport information;
 10. Require that inventory control numbers and passport numbers be queried in lookout systems;
 11. Review current policies that allow the return of fraudulent travel documents to those who presented them when they are sent back to their countries of origin;
 12. Require, as soon as US-VISIT capabilities permit, that Visa Waiver Program travelers be screened by US-VISIT procedures;
 13. Develop and recommend legislation grant DS waiver authority for Visa Waiver countries that cannot comply with the biometric passport deadline; and
 14. Provide additional training in passport fraud detection for Port of Entry inspectors.

“These are substantial and important reforms that need to be made to the Visa Waiver Program,” Senator Feinstein said. **“I think it is critical that we examine whether the program should be allowed to continue until these reforms are made.”**

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